

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Kevin MCCARTHY	Confirmation No.: 2223
Application No.: 10/084,982	Examiner: Siegfried E Chencinski
Filed: March 1, 2002	Group Art Unit: 3695

For: METHOD AND COMMUNICATION TERMINAL FOR HANDLING
PAYMENT OF DOWNLOADABLE CONTENT

Commissioner for Patents
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief of December 31, 2009, please amend the Appeal Brief of September 15, 2009 as follows:

Please substitute the following for Section IV at page 2:

--IV. STATUS OF AMENDMENTS

All amendments have been entered, including the last amendment filed December 2, 2008.--

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

January 28, 2010
Date

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